

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No. 2515
)	
LILLIAN D. PUMA, D.O.)	FINDINGS OF FACT,
Holder of License No. 2836 for the)	CONCLUSIONS OF LAW
practice of osteopathic medicine)	AND BOARD ORDER FOR
in the State of Arizona.)	PROBATION
_____)	

INTRODUCTION

This matter came before the Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") for consideration and decision at the Board's public meeting held on March 4, 2000.

Pursuant to its statutory authority at A.R.S. § 32-1855(E), the Board held an Informal Interview on March 4, 2000. During the course of these proceedings, Lillian D. Puma, D.O. (hereinafter "Respondent") was present and was represented by legal counsel, A. Craig Blakey, II.

Based upon Respondent's testimony and documentary evidence submitted to the Board, the Board issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent is a licensee of the Board and the holder of License No. 2836.
2. On or about September 9, 1998 the Board received information alleging that Respondent was inappropriately prescribing controlled substances.
3. On or about November 27, 1998 the Board performed a pharmacy audit. The pharmacy audit revealed that Respondent prescribed large amounts of controlled substances for the following patients:

- 36 tablets of Percocet per day for patient S.V., as well as undated prescriptions for S.V.
- Patient R.S. was receiving 180 tabs of Hydrocodone in twenty days.
- Patient J.R. received 190 Vicoprofen in August, 1998; 240 Vicoprofen in September 1998; and 120 Vicoprofen in October, 1998.
- Patient S.F. received Oxycontin #136 in August, 1998; #136 in September, 1998; #180 in October, 1998; #180 in November, 1998. Patient S.F. also received Loritab #240 in August; #120 in September; #300 in October, 1998. Patient S.F. also received Hydrocodone #200 in August, 1998; #100 in September, 1998; and #50 in October, 1998.
- Respondent prescribed Vasoretic, Ambien and Ativan .5mg #30 each for patient J.P., her brother-in-law.

4. A random chart review was performed on January 5, 2000. Chart review in Respondent's office was difficult to confirm why these prescriptions were made because she uses duplicate prescriptions wherein the yellow copy is to be filed in the patient's charts. When the chart review was performed, Dr. Puma's office had several of these yellow copies lying around and not in charts. Respondent admitted that she is extremely behind in charting her records. Respondent's staff stated that Respondent was behind on approximately 200-300 charts. This lack of charting made it extremely difficult for Respondent to determine the amount of medication she was writing for patients. Patient S.V.'s chart could not be located on the random chart review but was later discovered in Respondent's car. None of the charts of the patients listed above matched the pharmacy audits for the amount of prescriptions being prescribed.

5. A controlled substance log was not located and the narcotic cabinet was unlocked upon arrival at Respondent's office for the random chart review. Respondent stated that she did not keep a log of outgoing controlled substances. Even though respondent stated that she was the only

individual in her office to have the key to the narcotic cabinet, the cabinet was unlocked upon review and Respondent was not present at the office. The narcotic cabinet contained a box labeled Cyanocobalamin 1 mg/ml injectable (vitamin B-12) which contained a multiple dose vial of Demerol 100 mg/ml.

5. At the Board's March 4, 2000 open meeting, the Board heard testimony from Respondent and reviewed all documentation on the allegations. In public session the Board voted on March 4, 2000 that Respondent's license should be restricted for the ability to write Schedule Class II controlled substances, ordered for a psychiatric and/or psychological evaluation, placed on a license probationary status for continuing medical education and random chart review and authorized the Board's Executive Director to sign and issue a Board Order regarding Respondent that follows hereinafter.

CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to enter into an order for disciplinary action against a license, pursuant to A.R.S. § 41-1063, A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

3. The Respondent engaged in unprofessional conduct as defined in A.R.S. § 32-1854 by violating federal and state statutes and regulations:

(5) Prescribing, dispensing or administering controlled substances or prescription only drugs for other than accepted therapeutic purposes.

(6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the Board determines falls below the community standard.

- (21)Failing or refusing to maintain adequate records on a patient
- (31)Signing a blank, undated or predated prescription form.
- (38)Prescribing or dispensing controlled substances or prescription-only medications without maintaining adequate and appropriate patient records.
- (39)Failing to dispense drugs and devices in compliance with article 4 of this chapter.
- (40)Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. Lillian D. Puma, D.O. ("Respondent") shall comply with the following terms and conditions of this Board Order:

2. Respondent's Board License Number 2836 will be placed under **PROBATION** for two years and she shall comply with the terms and conditions of probation as set forth herein:

3. Respondent shall be **RESTRICTED FROM PRESCRIBING OR ADMINISTERING ANY SCHEDULE II CONTROLLED SUBSTANCES.**

4. From the date of this Order, Respondent shall obtain thirty hours of continuing medical education ("CME") per year in the following areas: appropriate prescribing, pain management, which includes acute, chronic and terminal pain and medical record keeping. The CME shall be approved in advance by the Board's Executive Director or designee. The CME requirement of this Board order is in addition to the CME requirement that Respondent needs to maintain her osteopathic medical license in Arizona.

5. Respondent shall undergo random chart reviews by the Board's staff or designee. The random chart review shall consist of a minimum of ten charts every three months. The chart

reviews will insure appropriate prescribing methods and record keeping.

6. Respondent shall have an appointment with Jay Lewis, Ph.D. no later than to April 1, 2000 at Dr. Lewis' office located at 4300 N. Miller Rd., Suite 217, Scottsdale AZ 85251 (telephone no. 480-990-2900) for a comprehensive psychological evaluation with Dr. Lewis, and any other such examination or testing as Dr. Lewis deems necessary and/or appropriate; and,

7. Dr. Lewis shall transmit directly to the Board a written report with the results, findings, evaluations and recommendations, if any, regarding restrictions upon Respondent's practice as an osteopathic physician based upon the evaluation he performs on the Respondent; and,

8. Respondent may receive a copy of the aforesaid results, findings, evaluations and recommendations of Dr. Lewis, but only after the aforementioned reports are received by the Board's Executive Director who shall mail a copy to Respondent and her attorney; and,

9. Respondent shall hire a management consultant to evaluate the office procedures and provide a written report with recommendations and timeframes to the Board's Executive Director no later than April 15, 2000.

10. In the event Respondent moves and/or ceases to practice medicine in Arizona, she shall give written notice to the Board of her new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to practice medicine in Arizona.

11. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

12. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered as

grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

ISSUED this 7th day of March, 2000.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

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Served by personal service or
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Drug Enforcement Administration
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Anita Boyd